

**PROCEDURES
FOR MEETINGS OF THE
FRANKLIN COUNTY
BOARD OF COMMISSIONERS**

(Revised March, 2008)



**PROCEDURES FOR MEETINGS OF THE
FRANKLIN COUNTY BOARD OF COMMISSIONERS**

I. MEETINGS

A. Regular Meetings

Regular meetings shall be held the first and third Monday of each month. Meetings shall be held on the second floor of the Administrative Office Building on Market Street in Louisburg, North Carolina. Regular meetings shall convene at 7:00 P.M.

B. Special Meetings

Special meetings may be called by the Chairman or a majority of the members of the Board and shall comply with N.C.G.S. § 153-A-40.

C. Workshops, Work Sessions and Committee Meetings

The Board may schedule workshops, work sessions, committee meetings, or other informal meetings of the Board called by the Board Chairman or a majority of the members of the board at such times and with respect to such subject matter as may be established by the Board Chairman, resolution, or order of the Board. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special Board meetings. Work sessions shall be set at the discretion of the Board. Discussion topics requested from members of the Board should be provided three days prior to the work session. The staff or the public may suggest or request that certain topics be discussed if done so one week before

the work session. The Chair of the Board with the assistance of staff will be responsible for organizing the work session topics and will preside at the meetings. The Board will not be limited to an agenda and has the freedom to discuss topics in view of timeliness, appropriateness and necessity. Necessary actions will be referred to the next regular or special called meeting of the Board.

D. Open Meetings

All official meetings must comply with the North Carolina Open meetings Law.

II. AGENDA

A. Preparation of the Agenda

1. The County Manager (with input from the Board and assistance from the Clerk and staff) shall prepare, organize, and present the agenda to the Board. The Manager may delegate all or part of these duties. Care shall be taken by the Manager and staff to assure that matters which are not primary responsibility of the Board of Commissioners, (e.g., non-policy staff matters, matters concerning other Boards) are not placed on this Board's agenda but rather are referred to the appropriate staff of Board for the resolution.
2. Except for add-on items, authorized by the County Manager or Board Chair, all staff initiated items to be placed on the agenda for

the next meeting must be delivered to the Clerk at least nine (9) business days prior to the next meeting for consideration of being placed on the agenda for the next meeting. Each submission for inclusion on the agenda shall comply with Section II (B) (1) below.

3. The Clerk shall have the agenda package available for pickup by or delivery to each Commissioner by 5pm on Wednesday before each Monday night meeting.
4. Immediately following the consent agenda, each agenda shall include a time aside for individuals or groups who wish to address the Board. Such individuals or groups that wish to address the Board shall sign in at the beginning of each meeting on a sign up sheet provided by the Clerk. The time limit for each speaker shall be five (5) minutes with a total time limit set aside for informal public comment of thirty (30) minutes. Once the time set aside for individual or total informal public comments has expired, the chair may recognize additional time for speakers only upon motion duly made and adopted.
5. Proposed agenda items, including matters to be submitted to the Board, must be reviewed by appropriate staff in advance and the Manager shall oversee this process.
6. At a regular meeting, any Board member may raise a new agenda item that is not on the agenda.

7. By majority vote, the Board may remove an item that is on the agenda from consideration.

B. Agenda Items

1. Each agenda shall contain a cover sheet with an accurate, concise one to two paragraph summary prepared by staff. The initiating agency shall be responsible for drafting the summary, subject to such changes as may be made in the review process. This summary shall include: background information about the item, justification for County involvement, short-term and long-term impact on County programs and revenue, action requested or required to be taken by the Board, and a recommendation by the Manager and other appropriate staff.
2. In addition to other information attached to each agenda as outlined above, non-routine items or more formal matters requiring action should contain a formal written resolution prepared by the submitting party with the assistance of staff, if necessary, and reviewed by the Manager and Attorney.
3. The following contracts may be executed by the Manager without approval by the Board, provided they comply with applicable laws and procedures and are within budgeted funds: (a) any lease agreement for one year or less; (b) any contract for equipment, supplies, or construction obligating less than \$10,000.00 County funds, including those committing no funds; (c) amendments within

budgeted funds to Board-approved contracts when the amendment requires less than a \$10,000.00 increase in expenditure of County funds; and (d) grant agreements for County funds within budgeted amounts. In the Manager's discretion, any lease or contract described in (a), (b), (c), or (d) may nevertheless be submitted to the Board. Contracts for consultant and/or advisory services shall be submitted to the Board for advice and consent before execution.

4. On contract matters presented to the Board, the contract need not be included but a summary of its major provisions shall be. All contracts, including those approved by the Board, shall be promptly reviewed by staff (including the County Attorney) and be promptly executed. Contracts duly approved by the Board shall be signed by the Chairman and/or the Manager. Board action approving a contract shall be deemed to authorize necessary budget amendments.
5. Any person, including persons during the informal public comment period, presenting matters before the Board which includes written materials, shall in advance, provide sufficient copies to the Clerk for distribution to each Board member, the County Attorney and all members of the press.
6. Each agenda shall include a time for Committee Reports to the Board from each Commissioner on matters pertaining to various committees for which they serve as the County's representative.

7. At a meeting, the Board can either take action or postpone consideration to a certain date on an item in order to obtain additional information.

III. THE CHAIRMAN

- A. As provided in N.C.G.S. § 153A-39, at its first regular meeting in December of each year, the Board shall choose a Chairman and Vice-Chairman for the ensuing year. "Chairman" and "Vice-Chairman" refer to persons who hold those positions.
- B. The Chairman shall preside at meetings of the Board. Among other powers, he may (1) with Board consensus, fix a maximum time allotted to each speaker from the floor, (2) provide for designation of a spokesmen for groups of persons, (3) call a brief recess at any time, (4) direct the Clerk to swear witnesses (including attorneys) in matters where the Board sits in a quasi-judicial capacity, and (5) in general provide for maintenance of order and decorum. He shall address questions of parliamentary procedure, with assistance from the latest revisions of Rules of Procedure for the Board of County Commissioners or Robert's Rules of Order in keeping with the size and nature of the Board and in the spirit of generally accepted principles of parliamentary procedure. In his absence, the Vice-Chairman shall preside. In the absence of both, the remaining

members present (provided there is a quorum) shall choose a member to preside.

- C. The Chairman shall recognize Board members who wish to speak, and shall allow all to speak once on an issue before any member speaks more than once.
- D. The Chairman and each Board member shall promptly share with other Board members information relating to pending County business which is intended for the Board and obtained by them in their official capacity.

IV. ACTION BY THE BOARD

- A. The Board shall proceed by motion.
- B. Any member, including the Chairman, may make a motion.
- C. A second shall be required of a motion in order to initiate debate on it. Reasonable and courteous debate (giving each member who wishes the opportunity to speak) shall then be allowed.
- D. A motion shall be adopted by majority vote, unless otherwise required by these rules, N.C.G.S. § 153A-45, N.C.G.S. § 153A-46, or other applicable law.
- E. Any member with cause to abstain from voting shall seek authority by Board vote to abstain from voting. As required by N.C.G.S. § 153A-44, each member is required to vote on all questions unless excused from voting on matters involving his own financial interest or official conduct.

- F. Absent authority to abstain, any member failing to vote shall have his vote recorded by the Clerk as a yes vote.
- G. A tie vote shall mean a motion is not adopted.
- H. Decisions on routine business may be made by general consent ("consensus") and the minutes shall so reflect.
- I. A member may make only one motion at a time.
- J. At any time before a vote has been called, a motion may be withdrawn or a substitute motion may be made.
- K. Substantive motions shall be addressed one at a time.
- L. A substitute motion and a second substitute motion may be allowed, but no further substitute motion may be made. The substitute motion(s) and the original substantive motion shall be voted on in the order reversed from the order of presentation. If the substitute motion is adopted, there shall be no vote on the original motion.
- M. A motion to reconsider an action may be made at the same meeting at which the action was taken or at the next official meeting but must be made by a member who voted with the prevailing side. A motion to rescind an action is allowed at a meeting later than the one subsequent to the meeting at which the action was taken, if otherwise allowed by law.
- N. Included among allowable procedural motions are the motion to table and motion to postpone to a certain time.

O. Board action should be the result of a decision on the merits and not a manipulation of procedural rules.

P. Nominations for appointments to boards and commissions may be made without a second being offered, however a majority vote must be received for the appointment to occur.

V. QUORUM

A majority of the membership of the Board shall constitute a quorum. As provided by N.C.G.S. § 153A-43, if a member withdraws from a meeting without being excused by majority vote of the remaining members, he shall be counted as present for the purposes of determining whether a quorum is present.

VI. MINUTES

Concise, "action-type" minutes of all meetings shall be kept by the Clerk to the extent required by law.

VII. POLICY AND PROCEDURES FOR BOARDS AND/OR COMMISSIONS APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS

In accordance with General Statute 153A-76, the following will govern Boards and/or commissions in Franklin County.

1. Each Board will have seven members unless contrary to General Statute provisions or State agency policy. One or more Commissioner (s) may serve on each Board or Commission as judged necessary by the Board of Commissioners. A Commissioner may not serve as Chair.
2. Each Commissioner will have one nomination to each Board or Commission.
3. Appointments will be made by the majority of the Board of Commissioners.
4. Each appointee's term will be concurrent with the term of the Commissioner who proposed the candidate for appointment.
5. Appointments are from December 1st of the year of appointment to November 30th. If an appointment is not made within 60 days, the other various members of the Board of Commissioners may make the nomination, followed by the appointment by the Board.
6. If the appointing Commissioner is not reelected or resigns, the newly elected or appointed Commissioner will make a nomination of his/her choice to fill the Board or Commission position. Until the new appointments are made, any existing appointee shall continue to serve.
7. If an unexpected vacancy occurs, an appointment, upon recommendation by the affected Commissioner, is to be made to complete the term.

TRAINING AND BY-LAW CHANGES

1. All by-laws of Boards and Commissions will be analyzed for changes and revisions of current importance. All by-laws shall be superseded by this policy as adopted.
2. The Clerk will coordinate timely reminders for appointments, minutes of meetings and generally serve as Liaison for the Commissioners.
3. Training sessions with department heads, Board members, and Board of Commissioners may be conducted.

VIII. AMENDMENTS TO THESE RULES

These Rules may be amended by an affirmative vote of a majority of the Board. Alterations or revisions of these Rules shall be subject to the notice and agenda requirements of these Rules. Once an amendment has been proposed and presented to the Board, no vote can be taken until the next regularly scheduled meeting of the Board.

IX. MISCELLANEOUS

- A. Powers and duties not delegated by this Board or applicable law shall be reserved for the Board.
- B. The Clerk to the Board shall maintain certain lists as follows:
 1. The Clerk shall maintain an up to date list of those citizens who have completed a Citizen Participation Application by interest

area. Any appointments made will require that all applicants who have applied within the last six months be considered, provided their credentials indicate they are qualified for that Board by interest, experience, and/or education.

2. The Clerk will monitor for timely appointments and will advise the Board when committee terms will expire, when a committee member is eligible for reappointment and where applicable, which commissioner should initiate the appointment for consideration by the Board.

C. The Clerk shall maintain an updated set of these rules of procedure and a copy shall be present at each official meeting.

D. These Rules of Procedure are directory and not mandatory, and failure to follow them shall not be actionable in a court of law or equity unless otherwise provided by law.

E. These rules and procedures supersede prior inconsistent rules and procedures.